

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, claim 1 has been amended. Claim 5 has been cancelled. Claims 1, 3 and 6 are pending and under consideration.

### **GROUND FOR ENTRY OF THIS RESPONSE PURSUANT TO 37 CFR 1.116**

The Applicants respectfully request entry of this Rule 116 Response because it is believed that the amendment and arguments put forward place these claims in condition for allowance. These amendment and arguments were not earlier presented because they respond, in part, to a reference newly-cited in the final Office Action. It is therefore respectfully requested that the Applicants have the present amendment arguments entered and considered.

### **CLAIM REJECTIONS – 103**

Claims 1, 3, 5 and 6 were rejected under 35 USC 103(a) as being unpatentable over Sugiyama et al. (US 5,848,846) (hereinafter “Sugiyama”) in view of Lewis (US 2,383,727) (hereinafter “Lewis”), Takemura et al. (US 6,332,714) (hereinafter “Takemura”) and Bowen, III (US 3,370,898) (hereinafter “Bowen”).

#### **Claims 1, 3, 5 and 6**

Amended claim 1 recites: “...the raceway surface of the raceway member has an effective hardened layer depth in which the induction hardening is performed, said depth of the hardened layer being so chosen as to be smaller than the plate thickness of the raceway member.” Support for this amendment may be found in at original claim 5.

The Office Action relies on Takemura to show this feature of claim 1, and specifically relies on Figure 2 of Takemura to show this feature of claim 1.

In claim 1, since an outer surface of the outer race 1 is not hardened, the outer race 1 can smoothly be mounted in the member to which the bearing assembly is fitted.

Regarding the argument in the Office Action that Figure 2 of Takemura shows that the depth of the induction hardened portion is smaller than the plate thickness, it is respectfully noted that in Takemura, the induction hardened portion is limited so as to suppress unnecessarily growing of the induction hardened portion, but is not directed to smoothly mounting the member to which the bearing assembly is fitted.

Further, it is noted that the bearing 20 in Takemura is not a shell type bearing and an outer race of the linear motion guide unit of Takemura does not have its opposite ends formed with annular guide collars. Accordingly, the advantages of the feature of claim 1 where the raceway surface of the raceway member has an effective hardened layer depth in which the induction hardening is performed, said depth of the hardened layer being so chosen as to be smaller than the plate thickness of the raceway member, which provides for smooth assemblability, is not discussed, suggested or realized by Takemura.

Further, it is respectfully submitted that this feature of claim 1 is also not discussed in the other relied upon references, Sugiyama, Lewis and Bowen.

Claim 5 has been cancelled. Claims 3 and 6 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Gregory W. Harper  
Gregory W. Harper  
Registration No. 55,248

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501